

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
v.)	No. 12-00072/02,04,14,18, and 24,-CR-W-BCW
)	
SERGIO ALMEIDA-ALVAREZ (02))	
JESUS MONJARDIN-ARAUJO (04))	
JESUS F. ALMEIDA-OLIVAS (14))	
SERGIO CAMPOS-MEDINA (18),)	
ENRIQUE LARA (24),)	
)	
Defendants.)	

**MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE**

PENDING CHARGE: On March 13, 2012, the Grand Jury returned a 27 count Indictment against thirty-one defendants. Of the defendants who have been arrested, five potentially remain for trial¹. Each of the above defendants is charged with in Count 1 with conspiracy to distribute methamphetamine in an amount of 500 grams or more, cocaine in an amount of 500 grams or more and marijuana in an amount of fifty kilograms or more. Additionally defendants Jesus Monjardin-Araujo and Sergio Campos Medina are charged with using a communication device, i.e. a telephone, to distribute drugs (Counts 15 and 21). The indictment also seeks criminal forfeiture of defendants' interest in \$9,000,000.00, the amount alleged to have been received in exchange for the unlawful distribution of methamphetamine.

The following matters were discussed and action taken during the pretrial conference:

TRIAL COUNSEL:

Government: Joseph Marquez and Jeffrey McArthur
Case Agent: Special Agent Mark King of Homeland Security
Defendant (2): Frederick Duchardt, Jr.
Defendant (4): Jane Francis
Defendant (14): Christine Blegen
Defendant (18): Juan Gomez
Defendant (24) : Pat Peters

OUTSTANDING MOTIONS:

¹ An unopposed motion to sever defendant # 26, Bruno Tavizon-Nunez, was filed by his counsel, John Osgood. (See doc. # 689) This defendant failed to appear for a change of plea on August 13, 2014, and has not been located since that date. A warrant for his arrest has been issued.

Defendant (4), Jesus Monjardin-Araujo has filed a motion in limine seeking to exclude all references to the defendant's immigration status, doc. # 660. The government will respond by September 19, 2014.

TRIAL WITNESSES:

Government: 8-10 with stipulations; 12 without stipulations

Defendants: Other than the defendants, who may testify, defendants have no witnesses other than those on the government's witness list.

TRIAL EXHIBITS

Government: 150 exhibits (mainly wiretaps, calls and translations of the calls)

Defendants: No exhibits beyond those on the government's exhibit list.

DEFENSES: General denial

POSSIBLE DISPOSITION:

(X) Definitely for trial as to defendants 4, 14 and 18

(X) Likely a plea will be worked out as to defendants 2 and 24

TRIAL TIME: 3 ½ - 4 days

Government's case including jury selection: 3 days.

Defense case: ½-1 day depending on whether any defendants testify.

STIPULATIONS: Government counsel will propose stipulations as to the chemistry of the drugs, the chain of custody and the accuracy of the English translations of the phone calls.

UNUSUAL QUESTIONS OF LAW: None

FILING DEADLINES:

Witness and Exhibit List

Government: Friday before the pretrial conference

Defense: Friday before the pretrial conference

Counsel are requested to list witnesses in alphabetical order on their witness list.

Exhibit Index, Voir Dire, Jury Instructions: Noon, Wednesday, 9/24/14

Please Note: Jury instructions must comply with Local Rule 51.1

TRIAL SETTING: September Joint Criminal Jury Trial Docket

Please note: Government counsel requests the second week of the docket due to witness issues and the fact that Special Agent Mark King, the case agent, will be testifying in another case set the first week of the September Joint Criminal Jury Trial Docket.

IT IS SO ORDERED.

_____/s/_____
SARAH W. HAYS
United States Magistrate Judge